

SIXTH DAY

(Wednesday, January 22, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	Winfield
Knight	York
Moffett	

A quorum was announced present.

The President announced that he had called the Senate to order with the gavel presented him on yesterday by his sons, Allan Jr. and Shary Shivers.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Lane was granted leave of absence for today on account of important business on motion of Senator Carney.

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Jones:

S. B. No. 62, A bill to be entitled "An Act relating to public safety and for the protection of human life; and regulating driving of motor vehicles and other vehicles across railroad grade crossings in this State; defining offenses and prescribing penalties necessary and incident thereto; providing a savings clause, and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Stewart:

S. B. No. 63, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to accept title for and in behalf of the State of Texas for the use and benefit of The University of any and all lands to be donated as sites needed for the location within the Texas Medical Center at Houston of the M. D. Anderson Hospital for Cancer Research, the Dental College of The University of Texas, a School of Public Health and a Preceptorial Training Center; authorizing the Board of Regents of The University of Texas to remove and locate said Hospital and Dental College on said sites; authorizing the Board of Regents to establish and operate within said Center on sites donated for said purpose a School of Public Health and a Preceptorial Training Center; providing for the sale of the property now belonging to the Dental College of The University of Texas at Houston, upon the removal and relocation of said College in said Medical Center; and making an appropriation; and declaring an emergency."

To Committee on State Affairs.

By Senator Cousins:

S. B. No. 64, A bill to be entitled "An Act to appropriate funds to the Texas Agricultural Experiment Station in the sum of \$95,200.00 to be expended or contracted to be expended before September 1, 1948 and to appropriate \$44,200.00 to said college to be expended before September 1, 1949, to enable said Institution to enlarge the Rice Experiment Station in Jefferson County, Texas and to further study and carry on research work in plant breeding, soil management, land utilization, and machinery used in producing and processing of rice, and in development of pastures and animal husbandry in connection with cultivating of rice; said appropriation is to be used by said college at the Rice Experiment Station located in Jefferson County, Texas; and declaring an emergency."

To Committee on Finance.

By Senator York:

S. B. No. 65, A bill to be entitled "An Act amending Acts 1934, 43rd Legislature, Fourth Called Session,

page 19, Chapter 7, Section 1, removing Blanco County from the Lower Colorado River Authority; and declaring an emergency."

To Committee on Oil, Gas and Conservation.

By Senator Crawford:

S. B. No. 66, A bill to be entitled "An Act to amend Article 2930, Revised Civil Statutes of 1925, as amended by Acts of 1931, 42nd Legislature, page 397, Chapter 232, Section 1; to repeal Article 980, Revised Civil Statutes of 1925 and all other laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Privileges and Elections.

By Senators Stanford, Phillips, Harris, Stewart, Kelly of Tarrant, Tynan, Proffer and Cousins:

S. B. No. 67, A bill to be entitled "An Act providing for a more secret ballot in all elections in Texas; amending Art. 2980, Title 50, Ch. 6, of the R. C. S. of Texas, 1925, providing for the form of ballot; amending Art. 2990, Title 50, Ch. 7, of the R. C. S. of Texas, 1925, providing for the marking of ballot boxes; amending Art. 3008, Title 50, Ch. 8, of the R. C. S. of Texas, 1925, providing for the delivery of ballots; amending Art. 3012, Title 50, Ch. 8, of the R. C. S. of Texas, 1925, providing for the depositing of ballots; amending Art. 3015, Title 50, Ch. 8, of the R. C. S. of Texas, 1925, providing for the depositing of defective ballots in Ballot Box No. 4 and the detachable coupons in Ballot Box No. 5; amending Art. 3018, Title 50, Ch. 8, of the R. C. S. of Texas, 1925, providing that certain ballots be not counted; amending Art. 3109, Title 50, Ch. 13, of the R. C. S. of Texas, 1925, providing for balloting at primaries; amending Art. 3122, Title 50, Ch. 13, of the R. C. S. of Texas, 1925, providing for precaution against fraud; excepting the provisions of this Act from elections in which voting machines are used; providing a savings clause; repealing all laws or parts of laws in conflict with this Act to the extent of such conflict only; and declaring an emergency."

To Committee on Privileges and Elections.

By Senator Cousins:

S. B. No. 68, A bill to be entitled "An Act authorizing and empowering commissioners of drainage districts to make changes in, additions to, and improvements to the drainage systems in their respective districts and to pay for same out of maintenance taxes provided by law to be assessed and collected in such districts; providing that this Act shall be cumulative; and declaring an emergency."

To Committee on State Affairs.

By Senator Aikin:

S. B. No. 69, A bill to be entitled "An Act making an appropriation to pay Mrs. Bess Bagwell, Eric Bagwell, Jerome Bagwell, Anna J. Bagwell and John S. Bagwell, Jr., the sum of \$2,040.28, and declaring an emergency."

To Committee on Finance.

By Senator Aikin:

S. B. No. 70, A bill to be entitled "An Act authorizing the people of Delta County, Texas, to proceed under the authority of Article IX, Section 3, of the Constitution of the State of Texas for the adoption of a County Home Rule Charter; providing that such a County Home Rule Charter shall be adopted by a majority vote of the qualified electors residing in Delta County, Texas, and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Strauss:

S. B. No. 71, A bill to be entitled "An Act defining the meaning of certain words, terms and phrases used in the Act; creating the Board of Public Utility Commissioners of Texas; prescribing its official seal; providing for the appointment, qualification, tenure and removal from office of said Commissioners; providing for the regulation, government and supervision of public utilities and their functionings, and prescribing, defining and limiting the jurisdiction, powers and duties of said Board; its members, agents and employees in connection therewith; levying a tax on public utilities and providing for its assessment and collection; providing that said tax shall constitute a first lien on properties of the taxpayer; providing for and limiting the right to sue to recover such taxes where illegally imposed; creating the

"Public Utility Board Fund"; authorizing municipal corporations to surrender to the Board their power to regulate public utilities and prescribing the method of said surrender; authorizing contracts between public utilities and municipalities relating to rates and service regulations under certain conditions; providing for and prescribing the method of procedure before the Board of Utility Commissioners and upon appeal therefrom; providing for and limiting appeals to the Courts from orders, requirements and judgments of the Board of Utility Commissioners; defining certain offenses and providing penalties therefor; making provision for the enforcement of the provisions of this Act and prescribing penalties looking to its enforcement and to the enforcement of judgments and orders entered by the Board or by any Court under this Act; making provision for disposition of moneys collected under the provisions hereof; making certain appropriations; providing that if any portion of this Act be held invalid, the remaining portions shall be unaffected thereby; prescribing a short title for this Act; repealing all laws conflicting herewith, and declaring an emergency."

To Committee on State Affairs.

Senate Resolution 14

(Providing for Senate General Investigating Committee)

Senator Harris offered the following resolution:

Whereas, We deem it necessary and to the best interests of the people of the State of Texas that a Senate General Investigating Committee be appointed, having the powers as hereinafter set forth, therefore, be it Resolved by the Senate of the State of Texas:

Section 1. That the Lieutenant Governor be, and he is hereby authorized to appoint a committee of five Members of the Senate to sit at such times and places between this date and the date of the convening of the Regular Session of the Fifty-first Legislature, as may to said committee seem necessary and proper; and the committee shall continue the inquiries heretofore begun by the com-

mittee heretofore authorized and appointed, relative to law violations and the administration of all State laws and any of the matters pertaining to or affecting the revenues of the State government, and the expenditures of taxes, fees, and assessments, and to inquire into any other affairs and activities of governmental departments and institutions of whatever kind and character, as such activities in anyway affect the financial or other welfare of the government and the citizens of Texas. Said committee shall make a study of any other governmental activity, and shall have authority to investigate and inquire into any such matters.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjournment. Provided, however, that the rules of evidence to be followed shall be practically the same as followed in the courts of this State, and the committee is authorized to hold executive sessions, within its discretion, and then the committee may be governed by the rules of evidence applicable to any grand jury inquiry in this State.

Sec. 3. That the majority of the membership of the committee shall have power to issue process for witnesses to any place in this State; and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State; and said committee shall have authority to cite for contempt any one disobeying said process and to punish for such contempt in the same manner as provided for by general law. Said committee shall have power to inspect and make copies of any books, records, or files of the departments and institutions and any and all other instruments and documents pertinent to the matter under investigation by said committee, including any county or political subdivision of this State, and shall also have power to examine and audit the books of any person, firm, or corporation having dealings with departments and institutions under investigation by said committee. The committee shall

have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three members of such committee shall constitute a quorum for the transaction of official business.

Sec. 4. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

Sec. 5. Said committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations.

Sec. 6. That said committee may call upon the Attorney General's Department, Auditing Department, and all other departments for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee on request of chairman or members of said committee.

Sec. 7. That said committee shall submit a report in writing to the Fifty-first Legislature, and make such recommendations as it may choose to make. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent fund of the Fiftieth Legislature and out of any fund otherwise appropriated by said session of said Legislature for such purpose, upon sworn account of persons entitled to such pay, when approved by the chairman of said committee; and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Fiftieth Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

Sec. 8. Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

The resolution was read and was adopted by the following vote:

Yeas—27

Aikin	Parrish
Bullock	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Morris	York
Moffett	

Absent

Brown	Carney
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Absent—Excused

Lane	Mauritz
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At Ease

At 10:55 o'clock a. m., the President announced that the Senate would stand at ease subject to the call of the Chair.

The President called the Senate to order at 11:05 o'clock a. m.

Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled resolution:

S. C. R. No. 2, Regulating motor traffic on Capitol grounds during the inauguration.

Senate Resolution 15

(Extending Privileges of Floor)

Senator Aikin offered the following resolution:

Whereas, Hon. J. K. Brim is in the Capitol, and

Whereas, The distinguished citizen is a former Chairman of the State Executive Committee, and

Whereas, the Senate will be glad to welcome Mr. Brim, now therefore, be it

Resolved, That he be invited to address the Senate and extended the privilege of the floor for today.

The resolution was read and was adopted.

Senate Resolution 16**(Extending Privileges of Floor)**

Senator Phillips offered the following resolution:

Whereas, The Hon. W. E. Stone, a former member of the Senate of Texas from Galveston is in the city of Austin, now therefore, be it

Resolved, By the Senate of Texas that Senator Stone be invited to address the Senate and be extended the privilege of the floor today.

The resolution was read and was adopted.

Senate Resolution 17**(Providing for Investigation of the Pardon and Parole System)**

Senator Vick offered the following resolution:

By Senators Vick, Taylor, Harris, Knight, Stewart, Phillips, Tynan and Brown:

Whereas, One of the main functions of the Legislature is to determine whether or not any State Department and/or official of any State Department is carrying out their work in a manner that will lend to efficiency and credit to said Department and/or officials; and

Whereas, It is the further responsibility of the Legislature to enlighten the general public as to whether or not any inefficiency exists and to so inform the public if inefficiency does not exist; and

Whereas, By medium of the press, radio and other means of communication, different criticisms have been made against the present Pardon and Parole Board and the Governor of Texas as to the granting of clemency, reprieve and commutation of sentence, and remission of fines or forfeitures; and

Whereas, This criticism has been made by the Texas Sheriff's Association, Inc., County and District Attorney's Association of Texas and more recently by a member of the Texas Prison System; and

Whereas, The Board of Pardons and Parole has issued a statement through the press stating that they would welcome an investigation; and

Whereas, An investigation would throw light upon the problem of pardons and paroles that will be considered at this session of the Legis-

lature as to changes in laws, etc.; and

Whereas, It is the desire of this Legislature to correct the faults that exist in the Pardon and Parole system, if these faults do exist; therefore, be it

Resolved, That the General Investigation Committee, appointed by the Lieutenant Governor of the 49th Legislature be, and the same is hereby directed to proceed at once to hold hearings, subpoena witnesses, call on the assistance of the Attorney General's Department, and any other duty imposed upon them by resolution passed during the 49th session of the Legislature relative to general investigation for the purpose of ascertaining if any discrepancy does exist in the present Pardon and Parole system and to make a report to this honorable body at least ten days before adjournment of the 50th session of the Legislature of Texas; be it further

Resolved, That as soon as a new resolution is passed by the 50th Legislature setting up a new general investigating committee, that said committee shall proceed to continue the investigation started by the general investigating committee established by resolution of the 49th Legislature; be it further

Resolved, That in the event the general investigating committee of either the 49th Legislature, or the one to be established by the 50th Legislature of the Senate of Texas fails to begin the investigation of the Pardon and Parole system within twenty days from the date that this resolution is passed, the Lieutenant Governor is hereby instructed and given authority to name a five member committee to be known as the Investigating Committee of the Pardon and Parole system and said committee shall act in the same way and the same manner, with the same authority, as the General Investigating Committee would have acted had they proceeded with the investigation; that said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjournment. Provided, however, that the rules of evidence to be followed shall be practically the same as followed in the courts of this state, and the committee is authorized to hold executive sessions, within its discretion, and then the committee may be

governed by the rules of evidence applicable to any grand jury inquiry in this state; that the majority of the membership of the committee shall have power to issue process for witnesses to any place in this state, and to compel their attendance, and produce all books and records, and disobedience of any subpoena the said committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this state; and said committee shall have authority to cite for contempt any one disobeying said process and to punish for such contempt in the same manner as provided for by general law. Said committee shall have power to inspect and make copies of any books, records, or files of the departments and institutions and any and all other instruments and documents pertinent to the matter under investigation by said committee, including any county or political subdivision of this state, and shall also have power to examine and audit the books of any person, firm, or corporation having dealings with departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three members of such committee shall constitute a quorum for the transaction of official business. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this state. Said committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and any other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations. That said committee may call upon the Attorney General's Department, Auditing Department, and all other departments for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee on request of chairman or members of said committee. Be it further

Resolved, That regardless of wheth-

er or not the investigation shall be conducted by the General Investigation Committee or by a new committee designated by the Lieutenant Governor, as set out in this resolution, a report shall be submitted in writing to the 50th Legislature at least ten days prior to the expiration of the regular session of the 50th Legislature of the State of Texas, and such committee shall make such recommendations as it may choose to make. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent fund of the 50th Legislature and out of any fund otherwise appropriated by said session of said Legislature for such purpose, upon sworn account of persons entitled to such pay, when approved by the chairman of said committee; and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said 50th Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

The resolution was read.

On motion of Senator Weinert, and by unanimous consent, further consideration of the resolution was postponed until it has been printed in the Journal.

At Ease

At 11:20 o'clock a. m., the President announced that the Senate would stand at ease subject to the call of the Chair.

At 11:45 o'clock a. m., the President called the Senate to order.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
January 22, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 9, Granting each House permission to adjourn from Wednes-

day, January 22, 1947 until Monday, January 27, 1947.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Message from the Governor

Austin, Texas,
January 22, 1947.

To the Senate of the Fiftieth Legislature:

I ask the advice, consent and confirmation of the Senate with reference to the following appointments:

To be Secretary of State:

Colonel Paul H. Brown of Harlingen, Cameron County.

To be a member of the Railroad Commission for the term to expire December 31, 1948:

William J. Murray of Houston, Harris County.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

House Concurrent Resolution 9

The President laid before the Senate for consideration at this time:

H. C. R. No. 9, Granting each House permission to adjourn from Wednesday, January 22, 1947, until Monday, January 27, 1947.

The resolution was read.

On motion of Senator Winfield, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 4

Senator Taylor offered the following resolution:

S. C. R. No. 4, Inviting Governor Beauford H. Jester to address the Legislature.

Whereas, The Honorable Beauford H. Jester is duly inaugurated as Governor of Texas; and

Whereas, The constitution and laws of this State require that he shall make such recommendations as he deems advisable to the Legislature; and

Whereas, The members of the Senate and House of Representatives will be very happy to hear an address of his Excellency, the Honorable Beauford H. Jester, the Governor of Texas; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives, concurring, that the Honorable Beauford H. Jester be invited to address a Joint Session of the House of Representatives and Senate at 11:00 o'clock a. m., Tuesday, January 28, 1947.

The resolution was read.

On motion of Senator Taylor, and by unanimous consent, the resolution was considered immediately.

The resolution was adopted.

Hour for Executive Session

Senator Brown asked unanimous consent that the Senate hold an Executive Session at 11:00 o'clock a. m., Monday, January 27, 1947.

There was no objection offered.

Adjournment

Senator Winfield moved that the Senate adjourn until 10:00 o'clock a. m., Monday.

Senator Moffett moved that the Senate adjourn until 10:30 o'clock a. m., Monday.

Question first recurring on the motion of Senator Moffett, it prevailed.

The Senate, accordingly, at 12:00 o'clock m., adjourned until 10:30 o'clock a. m., Monday, January 27.

SEVENTH DAY

(Monday, January 27, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York